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FACSIMILE TRANSMISSION COVER SHEET

Date: January 29, 2003
Time: 3:50 PM
From: Thomas T. Aquilla
To: Examiner Georgia L. Helmer
Re: Office Action Reply for 09/810,861
Facsimile #: (703) 872-9306
Phone Code: 1335

Number of Pages (including this cover sheet): 7

Faxed with this cover sheet is the following:

Office Action Reply for 09/810,861

CERTIFICATE OF FACSIMILE TRANSMISSION	
FACSIMILE NO: <u>703-872-9306</u>	DATE: <u>1/29/2003</u>
I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, to the facsimile number and on the date indicated above.	
<u>Thomas T. Aquilla</u> Thomas T. Aquilla	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 29, 2003

In Re application of: Tsafir S. Mor *et al.*
 Serial No: 09/810,861
 Filed: March 16, 2001
 For: **EXPRESSION OF RECOMBINANT HUMAN ACETYLCHOLINESTERASE IN TRANSGENIC PLANTS**
 Art Unit: 1638
 Attorney Docket Number: BTI-45

RESPONSE TO RESTRICTION REQUIREMENT**R E M A R K S**

The Office Action of January 13, 2003 has been reviewed and its contents carefully noted. Reconsideration of this case is earnestly requested. Claims 1-15 remain in this case.

The Restriction Requirement

The Examiner has made a Supplemental Restriction Requirement, stating that "Group I claims are hereby restricted to polynucleotides of the group SEQ ID NO: 1-5, of the group (a)-(e). Applicant needs to elect one of these SEQ ID Nos. for further prosecution." The nature and legal basis of the Restriction Requirement are not clear, however, the Examiner appears to require an election of one of the species encompassed by the Markush group of Applicant's claim 15. More particularly, the Examiner apparently requires Applicant to elect one of the sequences of claim 15.

The requirement for restriction and/or election, as best understood, is respectfully traversed. However, in the interest of moving prosecution forward and to avoid abandonment of the application, **Applicant hereby elects SEQ ID No: 4 for search and examination.**

The MPEP states the following with regard to stating a *prima facie* case of restriction between patentably distinct inventions:

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